

II. ARGUMENTS AND AUTHORITIES

Presently before the Court is U.S. Bank's *Motion to Dismiss*. U.S. Bank is of the opinion that the *Motion to Dismiss* will resolve all matters before the Court as Plaintiffs have failed to state a claim upon which relief can be granted. Therefore, a stay of all deadlines and settings pending a ruling on the *Motion to Dismiss* will promote judicial economy and preserve the Court and the parties' resources until the Court is able to address the *Motion to Dismiss*.

Furthermore, this matter is currently set for trial docket call on March 3, 2022. The deadline to conduct discovery expired on December 1, 2021, prior to the Court's order granting Plaintiffs leave to file an amended complaint. Should the Court not grant the pending *Motion to Dismiss*, U.S. Bank requests the opportunity to have sufficient time to conduct discovery and file a motion for summary judgment based on said discovery. Therefore, U.S. Bank requests that should the Court deny the pending *Motion to Dismiss* a new scheduling order be issued.

III. CONCLUSION

U.S. Bank respectfully requests that the Court grant this motion and stay all pending deadlines and settings until the Court addresses both the pending *Motion to Dismiss*. U.S. Bank additionally requests that should the Court deny the pending *Motion to Dismiss* the Court issue a new scheduling order, and that the Court grant all other and further relief in law or in equity to which it may be entitled.

Dated: January 4, 2022

Respectfully Submitted,
MCCARTHY & HOLTHUS, LLP

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**ATTORNEYS FOR DEFENDANT U.S. BANK N.A.,
NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS
TRUSTEE OF NRZ PASS-THROUGH TRUST X**

CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with Plaintiffs regarding the relief requested in this motion on December 29, 2021. On December 31, 2021, a response was received stating “We do not consent to anything you wish to do that impedes any rights held for due process, fair and equal treatment under color of law. See Texas House Bill 996”. Based on this response it is unclear if Plaintiffs are opposed to the relief requested in this motion or not.

/s/ Brandon Hakari
Brandon Hakari

CERTIFICATE OF SERVICE

I hereby certify that I submitted the foregoing to the clerk of the United States District Court, Southern District of Texas using the electronic case filing system of the Court, and that I served all parties of record listed below in accordance with Federal Rule of Civil Procedure 5(b)(2) on January 4, 2022.

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